

In The
United States District Court
District of N.H.

Petitioner Dominic Ali
vs
Respondent State of N.H. 6/16/14

Civil NO: 12-cv-185-JL

Petitioner motion to Amend Petition
2254

Now Comes, Dominic Ali, Sui juris, respectfully request this Honorable Court to grant this motion for the following reason states below;

Mr. Ali was an inmate at the Northern N.H. Correctional Facility, Filed a petition for a writ of Habeas corpus, pursuant to 28 U.S.C. 2254, in which Mr. Ali asserts that his conviction were obtained in violation of his Federal Constitutional Rights.

This Honorable Court directed Mr. Ali to file a motion to amend his petition to add the proper respondent to this action on or before July 1, 2014, see; This Court order by the Honorable Court Joseph Laplante on June 5, 2014.

Mr. Ali was arrested on Feb 4, 2008, and was charge with domestic violence related crimes allege simple assault False imprisonment and obstruction to report a crime by the States of N.H. criminal Justice system.

In or about Sept 25, 26, 2008, Mr. Ali was tried and convicted by the State of N.H. Superior Court, North, and was sentence to the State of N.H. Department of Correction to six years with minimum parole date 1/26/14, and current Maximum Date 1/25/19. 5 years of Supervision, by the State of N.H. adult parole. See; EX A1)

Jurisdiction and Venue

This action arises under the Constitution of the United States and this Court has jurisdiction under 28 U.S.C. 2254 writ of habeas corpus, as the petitioner still in custody under color of the authority of the State of New Hampshire and Venue lies in the District Court of N.H. because petitioner is or still under the custody of the State of New Hampshire Department of Correction parole and the proper respondent still the State of New Hampshire Department of Justice Elizabeth C. Woodcock, Esq and Francis Charles Fredericks, Esq.

Petitioner is detained at the Plymouth County Correctional Facility, in Plymouth, Mass 02360. He was previously detained at the Strafford County, Strafford County N.H. which also has contract with "Ice". Potential for deportation due to a conviction by the State is adequate collateral consequence to preserve habeas corpus petition. See; United States v. Romero-Vilca, 850 F.2d 177, 179 (3rd cir 1988). Also; Itensky v. Municipal Ct., 411 U.S. at 351 quoting Jones v. Cunningham, 371 U.S. at 240, 243, paroled petitioner is "in custody" because parole restriction significantly restrain petitioner liberty to do those things which in this country free man are entitled to do. See; Garlotte v. Fordice, 515 U.S. 39 (1995). McVeigh v. Smith, 872 F.2d 725, (6th cir 1989).

Quoting, Romsfeld v. Padilla, 542 U.S. 426, 437, 2004) "we no longer require physical detention as a prerequisite to habeas relief" our understanding of custody has broadened to include restraints short of physical confinement. See; Spencer v. Kern, 523 U.S. 1, 7, -12 (1998) similar to Maley v. Cook, 490 U.S. 488, 492, (1989). Court has "very liberally construed the in custody requirement for purposes of Federal habeas "custody" whenever petitioner suffers some present restraint from a conviction" See; generally Sporn 2-2-n-1324. Erans v. Zych, 644 F.3d 447, 449 (6th cir 2011) Selam v. Warm-Spring Tribal Correctional Facility, 134 F.3d 948, 951 (9th cir 1998). United States v. Re, 372 F.2d 641, 643 (2d cir 1967).

Minor v. Dugger, 864 F.2d 1241, 125-27
 11th cir 1989) United States v. Romero-
Vilca, 850 F.2d 177, 179 (3rd cir 1988) Lee v.
Lampert, 2009 U.S. Dist LEXIS 31400, at 2-3
 (D or April 10, 2009) Beecham v. United States,
 511 U.S. 368, 371 (1994). Jackson v. Lowther, 337 F.3d
 74, 79 (1st cir 2003) Krantz v. Briggs, 983 F.2d 961, 962
 9th cir-1993).

WHEREFORE, Mr. Ali respectfully
 requests this Honorable Court to grant this
 motion for the following reason states;

- 1) Mr. Ali has a legally conceivable
 interest in the outcome;
- 2) Grant such other relief as is just
 and equitable.

Suijuris representation Dominic Ali 64554
 P.C.C.F.
 26 Long pond Rd
 Plymouth, MA 02360

Certificate of Service

I, Dominic Ali, hereby certify under penalty
 of perjury that, states copy of this motion
 was forwarded in the U.S. mail first class
 postage address to the last known address
 of the N.H. DOJ to this Court. June, 2014.

Dominic Ali
 6/16/14